



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Huang, Ming Art Unit: 2878
Series No 10/666,760 Examiner: Seung C. Sohn
Filed 09/22/2003
Title **Advertising Light Emitting Pen**

Mail Stop Amendment

Honorable Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the Official Action dated 09/19/2005 but mailed on 11/10/2005, attached is a "replacement sheet" of Fig.4 in compliance with 37 CFR 1.121(d).

According to the Examiner's suggestion, the claim 4, line 2, "textures" is corrected as "texts". In the original specification, the corresponding "textures" in the pages 4, line 23, page 5 lines 2, and 3, page 7 line 7, page 8 lines 20, and 22 are all corrected as "texts"; a copy of "marked up" version of amended specification and a copy of "clean" version of amended specification are also attached herewith.

Since in the office action, the claims 1-5 are under obviousness rejections based on the cited documents, the applicant has to explain as following:

Fig. 7 of Wang (USP 6,299,372) has been cited as similar to the film on the tube of the instant invention. It can be more easily understood from the published specification of Wang, column 2 line 30~32: "The tube surface of the connecting tube (2) is a hollow transparent material, which is etched by web printing technology but a part thereof is remained not to be etched."

As known, etching is also used in the manufacturing of printed circuit board and semiconductor device, it means the acid eat the metal or such transparent material indicated in Wang, USP 6,299,372 as mentioned above, leaving behind a "roughened area, at least a burning line" to shape an etched figure, it must be at least some "plano-concave" areas left on the surface of the tube (2). It means a destructive method to the surface of the tube hardly to restore to the original transparent tube surface, likely no other advertising can be added thereof. The destructive result of Wang can be also known from the column 3 line 15~17: "When the user touches a light emitting unit, the transparent surface and the surface of the front tube will light up to present an advertise effect." It caused the etched portion to form a "non transparent barrier" forever to show a partly dimmable "advertise effect".

Firstly, in the present invention, as described in the original specification page 4, line 10, "the transparent surface has no pattern or text thereon", line 12-13, "The film (12a) may be formed by convex or concave patterns", page 7, line 17~18, "the lower pen tube (10)... and film (43) on the outer tube (41) are the same as above mentioned embodiment." That is, the convex or concave pattern is part of a film, and then the film is coated with a transparent tube surface. Both the films (43,12a) printing with text or pattern (please see page 4, line 9) can be coated with the inner tube or outer tube. In page 7, line 8~10, "the film (12a) is between the inner tube (12) and the outer tube (11) it is not worn or vague by the holding of the pen." It differs from the etched figure on

the cited Wang, USP 6,299,372.

Secondly, a hollow pattern is mentioned in the present invention, as described in page 5, lines 5~8: “a hollow pattern (21a) is formed by hollowing the wall at a lower end of the outer tube (21) of the upper tube (20). The hollow pattern (21a) is formed by punching or molding, etc. and may be a trademark. The position of the hollowed pattern (21a) sets aside the light emitting device (22)”, in page 8, lines 4 and 9, “referring to Fig. 6”, “the hollowed pattern (63) in the outer tube (61)” is the same as the hollowed pattern (21a, illustrated as shown in Figs. 1 and 2) as mentioned above. They can be inferred from the page 2, lines 11~12 “The transparent surface has no pattern or text thereon” so that the hollowed patterns (21a, 63) which are formed inside the outer tube, and they are different from the etched figure of Wang, USP 6,299,372.

Chen, USP 6,238,057 has been cited to object the present invention, according to the published specification of Chen (USP 6,238,057), column 3 lines 52~55: “ Referring to Fig. 8, a product blurb or graphic device (56) may be provided at the inside wall of the lower barrel (5) around the longitudinal receiving holes (51)”. Which is claimed in claim 2 depends on the claim 1; where “a graphic device provided at an inside wall of the lower barrel around said longitudinal receiving hole” is restricted to “ ...a water chamber...display items floating in said liquid inside said water chamber” can be shown. It is also know from column 3, lines 26~27 “having a tapered longitudinal receiving hole (51)”. Therefore, the graphic device (56) has a limited tapered hole to demonstrate and combine with the ink cartridge color and being affected by the floating items in the water chamber. And the graphic device is displayed inside the lower barrel, a water chamber disposed around the lower barrel is to shield the graph device.

While in the present invention, firstly, please see page 5, lines 14~18